

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

**COLETTE NMN MAPP,
DEBTOR.**

**CHAPTER 13
CASE NO. 17-30630-KRH**

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO SUSTAIN THE OBJECTION SOUGHT HEREIN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE OBJECTION, THEN YOU MUST ATTEND THE HEARING ON THIS MATTER. OTHERWISE, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ISSUE AN ORDER SUSTAINING THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

THE HEARING IS SCHEDULED TO BE HELD ON MARCH 14, 2018 AT 11:10 AM AT THE U.S. BANKRUPTCY COURT, 701 EAST BROAD STREET, RICHMOND, VA 23219, IN COURTROOM NUMBER 5000.

COMES NOW, Bank of America, N.A. ("Secured Creditor"), by Counsel, and objects to the confirmation of the Chapter 13 Plan filed January 30, 2018 (the "Plan") and in support thereof, represents unto the Court:

1. Secured Creditor has a claim against the property of the Debtor located at 2019 Rosewood Avenue, Richmond, VA 23220 by virtue of the Note and accompanying Deed of Trust.
2. The Proof of Claim filed by this Secured Creditor establishes a total debt of \$146,563.43 due as of February 8, 2017, with pre-petition arrears of \$82,211.06. (See Claim 1.)
3. The Plan is underfunded in violation of 11 U.S.C. § 1325(a)(5), as the arrearage owed to this Secured Creditor is understated, with the Plan estimating the pre-petition arrears to be paid by the Trustee at only \$70,000.00.
4. Total plan funding is proposed over twelve (12) months with the total amount to be paid into the Plan indicated to be only \$2,400.00, considerably less than the approximate pre-petition arrearage due to this Secured Creditor. In addition, per the Plan provisions, \$2,000.00 of said total funding would go to Debtor's attorney, leaving only \$400.00 with which to pay out the estimated 100% of unsecured claims, which is not sufficient funding per the filed claims in this case. Therefore, the Plan is underfunded and Secured Creditor objects on this basis.

5. Debtor's Plan is ambiguous with regard to the treatment of Secured Creditor. Debtor proposes to sell the subject Property with no details or timelines for such proposed sale, simply stating in the nonstandard provisions that, "2019 Rosewood Ave to be sold. Proceeds to be distributed to lien holders as proper, subject to court approval."

6. To the extent Plan funding is contingent on a future sale, the Plan is speculative and not feasible under 11 U.S.C. § 1325(a)(6). As previously stated, Secured Creditor's lien at filing totaled over \$146,000.00, and Claim 4, filed by Debtor's counsel as "creditor's attorney or authorized agent" for Debtor's sister, asserts a \$90,000.00 second lien on the Property along with a valuation of \$220,000.00. A sale under such terms would not pay both alleged liens in full.

7. The Plan incorrectly understates the Regular Contract Payment as \$426.26 and lacks adequate protection payments to Secured Creditor.

8. Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this Secured Creditor. It is respectfully requested that this Court deny confirmation of the Plan.

WHEREFORE, the undersigned requests as follows:

1. That confirmation of the proposed Plan be denied;
2. Debtor be required to modify the Plan to honor the terms and conditions of the Deed of Trust; and
3. For such other relief as this Court deems proper.

Respectfully Submitted,

BANK OF AMERICA, N.A.

By: **/s/ BRANDON R. JORDAN**

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CERTIFICATE OF SERVICE

I certify that on February 15, 2018, the foregoing Objection was served via CM/ECF on Carl M. Bates, Trustee, and Richard C. Devor, Jr., Counsel for Debtor, at the email addresses registered with the Court, and that a true copy was mailed via first class mail, postage prepaid, to Colette NMN Mapp, Debtor, P.O. Box 60535, Washington, DC 20011.

/s/ BRANDON R. JORDAN

Brandon R. Jordan, Esquire
Samuel I. White, P. C.